



February 11, 2005

HOUSE BILL No. 1495

DIGEST OF HB 1495 (Updated February 9, 2005 9:47 am - DI 96)

Citations Affected: IC 8-23; IC 9-13; IC 9-19.

Synopsis: Maintenance of roads occupied by railroad tracks. Provides that the department of transportation, a county, or a municipality may provide highway or road surface maintenance at a railroad crossing if the railroad approves the work in advance. Provides that highway or road construction and maintenance work at railroad crossings may be paid for from federal rail safety funds. Provides the standard by which a railroad must grade, surface, and maintain a public highway, public road, and railroad tracks at a railroad crossing. Provides the boundaries within which the railroad is responsible for the repair and maintenance of the grade and surface occupied by the railroad tracks. Permits a motor vehicle used to transport operating crew members of a railroad to display a lamp placed on the top of the motor vehicle with flashing yellow or amber lights.

Effective: July 1, 2005.

Foley, Stevenson

January 18, 2005, read first time and referred to Committee on Roads and Transportation.
February 10, 2005, amended, reported — Do Pass.

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HB 1495—LS 7029/DI 87+



February 11, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1495

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-23-5-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If a highway or road is being
3 constructed or reconstructed so that it crosses or intersects the existing
4 tracks of a railroad at grade level at a point where no crossing
5 previously existed, the department, county, city, or town under whose
6 jurisdiction the crossing lies shall pay the cost of the construction of the
7 new crossing, the approaches to the crossing, and the cost of the
8 necessary protective or crossing warning signals. After construction,
9 the owner or lessee of the railroad shall maintain the crossing and
10 protective or crossing warning signals and keep them in repair at the
11 owner's or lessee's cost.
12 (b) If the owner or lessee of a railroad is constructing or
13 reconstructing railroad tracks so that the tracks cross or intersect a
14 highway or road at grade level at a point where no railroad crossing
15 previously existed, the owner or lessee of the railroad shall pay the cost
16 of the construction of the new crossing, the approaches to the crossing,
17 and the cost of the necessary protective or crossing warning signals.

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After construction, the owner or lessee of the railroad shall maintain the crossing and protective or crossing warning signals and keep them in repair at the owner's or lessee's cost.

(c) If a highway or road crosses or intersects the tracks of a railroad at grade level and the highway or road is reconstructed to alter the existing crossing or intersection by a change of grade, widening or changing the type of pavement, or by changing the angle of the intersection, the department, county, city, or town under whose jurisdiction the crossing lies shall pay the cost of the reconstruction of the crossing, the approaches to the crossing, and the cost of the necessary protective or crossing warning signals. After reconstruction, the owner or lessee of the railroad shall maintain the crossing and protective or crossing warning signals and keep them in repair at the owner's or lessee's cost.

(d) If the owner or lessee of a railroad reconstructs or alters the tracks of a railroad that crosses or intersects a highway or road at grade level so that it is necessary to reconstruct or alter the crossing or intersection, the owner or lessee of the railroad shall pay the cost of the reconstruction or altering of the crossing, the approaches to the crossing, and the cost of the necessary protective or crossing warning signals. After construction, the owner or lessee of the railroad shall maintain the crossing and protective or crossing warning signals and keep them in repair at the owner's or lessee's cost.

(e) Notwithstanding subsections (a) through (d), the department, a county, a city, or a town under whose jurisdiction a railroad crossing lies may provide highway or road surface maintenance at a railroad crossing if the department, county, city, or town requests and receives written approval from the railroad owner or lessee before commencing the highway or road surface maintenance. The cost of the maintenance may be wholly or partially borne by the department, county, city, or town upon agreement with the railroad.

(f) Any construction, reconstruction, or maintenance of highway or road surfaces provided for in this section may be paid for from funds obtained under 23 U.S.C. 130.

(g) A railroad whose tracks lie in any public highway or road shall properly grade, surface, and maintain the highway, road, and railroad tracks within the boundaries described in subsection (h):

(1) in accordance with the grade and surfacing material of the highway or road; and

(2) in a manner as to afford security for life and property of persons and vehicles using the highway or road.

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(h) The railroad is responsible for the repair and maintenance of the grade and surface occupied by the railroad tracks, including the space:

- (1) between the rails of a railroad track;
- (2) between the railroad tracks if there are at least two (2) railroad tracks; and
- (3) that extends eighteen (18) inches in width on the outside of each rail of a railroad track.

SECTION 2. IC 9-13-2-117.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 117.7. "Operating crew member", for purposes of IC 9-19-6, has the meaning set forth in IC 9-19-6-1.5.**

SECTION 3. IC 9-19-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. "Operating crew member" has the meaning set forth in IC 8-9-12-2.**

SECTION 4. IC 9-19-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 19. (a) A vehicle may be equipped with lamps that may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing. The vehicles, when so equipped, may display the warning in addition to any other warning signals required by this article.**

(b) A lamp used to display a warning to the front must be mounted at the same level and as widely spaced laterally as practicable, and must display simultaneously flashing white or amber lights or any shade of color between white and amber.

(c) A lamp used to display a warning to the rear must be mounted at the same level and as widely spaced laterally as practicable, and must show simultaneously flashing amber or red lights or any shade of color between red and amber.

(d) A warning light must be visible from a distance of not less than five hundred (500) feet under normal atmospheric conditions at night.

(e) A motor vehicle used to transport operating crew members may display a lamp placed on the top of the motor vehicle with simultaneously flashing yellow or amber lights that must be visible as set forth in subsection (d).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1495, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 27, delete "at its own cost,".

Page 2, line 30, after "maintenance." insert **"The cost of the maintenance may be wholly or partially borne by the department, county, city, or town upon agreement with the railroad."**

Page 2, delete lines 31 through 35.

Page 2, line 36, delete "(g)" and insert "(f)".

Page 2, line 39, delete "(h)" and insert "(g)".

Page 2, line 41, delete "(i):" and insert "(h):".

Page 3, line 4, delete "(i)" and insert "(h)".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 9-13-2-117.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 117.7. "Operating crew member", for purposes of IC 9-19-6, has the meaning set forth in IC 9-19-6-1.5.**

SECTION 3. IC 9-19-6-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. "Operating crew member" has the meaning set forth in IC 8-9-12-2.**

SECTION 4. IC 9-19-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) A vehicle may be equipped with lamps that may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing. The vehicles, when so equipped, may display the warning in addition to any other warning signals required by this article.

(b) A lamp used to display a warning to the front must be mounted at the same level and as widely spaced laterally as practicable, and must display simultaneously flashing white or amber lights or any shade of color between white and amber.

(c) A lamp used to display a warning to the rear must be mounted at the same level and as widely spaced laterally as practicable, and must show simultaneously flashing amber or red lights or any shade of color between red and amber.

(d) A warning light must be visible from a distance of not less than five hundred (500) feet under normal atmospheric conditions at night.

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(e) A motor vehicle used to transport operating crew members may display a lamp placed on the top of the motor vehicle with simultaneously flashing yellow or amber lights that must be visible as set forth in subsection (d)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1495 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 10, nays 0.

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